

NOTE: ALL DOCUMENTS MUST BE FILED AS PDF DOCUMENTS IN TEXT SEARCHABLE FORMAT. ALL EXHIBITS MUST BE SPECIFICALLY IDENTIFIED. FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL RESULT IN THE CLERK'S OFFICE MARKING THE DOCUMENT(S) AS A FILING ERROR AND YOU WILL BE REQUIRED TO RE-FILE IN COMPLIANCE WITH THIS ORDER.

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	CASE NO. 1:19CR00028-001
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
vs.)	ORDER
)	
MATTHEW MULFORD,)	
)	
Defendant.)	

The defendant was arraigned in this matter on an earlier date and the Court now enters the following to guide the parties in the disposition of this matter.

PRE-TRIAL CONFERENCE

The pre-trial in this matter will take place in **COURTROOM 18A, CARL B. STOKES U.S. COURTHOUSE, 801 W. Superior Avenue, Cleveland, Ohio, on March 11, 2019 at 12:00 p.m.**

TRIAL

The jury trial shall commence in **COURTROOM 18A, CARL B. STOKES U.S.**

COURTHOUSE, 801 W. Superior Avenue, Cleveland, Ohio, on March 18, 2019 at 8:00

a.m. The parties are advised that the assigned trial date is firm. The Court disfavors continuance requests and continuance requests are almost never granted.

The Court is of the view that interim argument is very helpful to juries. Each side will usually be permitted to present "interim argument" during the trial on the following basis. The Court will set time limits for such interim argument. When one side presents interim argument, the other side may, but is not required to, offer "interim argument" after the other side's presentation with the same time limit. Interim argument may only be presented after a witness has completed testimony and may only deal with the testimony of that witness and the relationship of that testimony to the party's case.

MOTIONS

All motions and briefs in support thereof shall comply with the standard requirements of the Federal Rules of Criminal Procedure and the Local Rules of the United States District Court for the Northern District of Ohio. All motions shall be accompanied by written memoranda stating the reasons for the motion, referenced with citations in support thereof. Non-conforming motions and/or briefs will be subject to being stricken by the Court.

The defense shall file all intended motions and/or briefs by **February 25, 2019**.

Not later than one (1) business day prior to the date of trial or hearing on any motion, all counsel shall exchange proposed written stipulations of fact.

EXHIBITS AND WITNESSES

Counsel shall file witness lists, (Appendix A), **one week prior** to the trial date. Counsel

are advised to over-schedule their witnesses. Should a party run out of witnesses once the trial has started, the Court will assume that the party has completed their case and has rested.

The Court is using new technology to facilitate the viewing of exhibits by jurors (Jury Evidence Review System / JERS). Each party must submit all exhibits on a single USB drive. A separate USB drive should be provided for Plaintiffs' Exhibits, Defendants' Exhibits, and any Joint Exhibits. Each party must send the exhibits to the Court, Chambers 18A, such that the Court is guaranteed to receive the exhibits one week in advance of the trial date.

The Exhibit Files must be named using the following naming convention:

<exhibit number>_<exhibit description>.<file extension>.

The exhibits MUST be named by number, followed by the underscore character, and a description of the exhibit. The underscore cannot be used elsewhere in the exhibit name.

Example listing of valid exhibit file names:

1_photograph of item.jpg

12_2009 Tax Statement.pdf

12_camera footage.wmv

Counsel are responsible for ensuring electronic exhibits are submitted in a format compatible with JERS. Compatible file types include:

PDF

JPG

WM Video

MP3

WAV

Any questions regarding the naming conventions for the electronically stored exhibits

should be directed to Melanie Dresch at (216) 357-7112.

To maintain consistency between the electronic and the paper exhibits, **BOTH PARTIES SHALL LABEL THEIR EXHIBITS WITH NUMBERS**. Counsel shall mark all exhibits before trial with official or similar stickers. Exhibits shall be labeled with the party followed by the exhibit number (e.g., “Plaintiff 1”, “Def 2”, or “Joint 3”). The case number shall also appear on the stickers.

In addition to electronically submitting exhibits, Counsel shall submit to the Court two (2) copies of all proposed exhibits, contained in two separate binders, along with an index (Appendix B) containing a brief description of each exhibit on the morning the trial actually commences. These binders shall be returned to you upon conclusion of the trial. Exhibits shall be exchanged between counsel prior to trial.

PROPOSED VOIR DIRE & JURY INSTRUCTIONS

In jury trials, counsel shall submit proposed voir dire questions **one (1) week prior** to the trial date.

Counsel are requested to diligently pursue and complete the scheduled procedures within the time period assigned by the Court. The Court endeavors to accommodate all counsel and parties in the initial assignment of pretrial and trial dates, however, it does not favor leaves to plead or requests to continue scheduled trial dates. Extensions to plead will not be permitted except upon written motion and for good cause shown.

In jury cases, counsel shall submit **proposed jury instructions**, with a statement of reasons and supporting legal authority, at least **one (1) week prior** to the trial date.

ELECTRONIC COURTROOM

The Court is pleased to have one of the most technologically advanced courtrooms in the United States. This courtroom features, among other things, the technology necessary to present evidence in a video format. The Court encourages counsel to utilize this technology whenever appropriate.

Counsel bears the responsibility for developing proficiency with this new technology prior to trial. However, the court provide regularly-scheduled training sessions to familiarize counsel with this technology. Counsel may receive one (1) continuing legal education credit for attending the training session. Contact Mrs. Melanie Dresch, the Courtroom Deputy Clerk, for more information regarding these training sessions. Counsel may reach Mrs. Dresch at (216) 357-7217.

CHANGE OF ADDRESS

Counsel will notify the Court and the Clerk of this Court of any address and/or telephone number changes by letter to assure proper notification.

IT IS SO ORDERED.

Dated: January 24, 2019

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

Attachment: Appendix A and B